Applicant : Murray Orpin
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REMARKS

Applicant acknowledges the Examiner's review of the specification, claims, and drawings. In light of the attached Declaration under 37 C.F.R. § 1.132 and following remarks, Applicant respectfully requests reconsideration of the present application. The remarks presented herein are fully supported by the application as originally filed. No new matter has been entered.

STATUS OF THE CLAIMS:

Claims 1-37 are pending in the application. Favorable reconsideration and allowance of the subject application are respectfully requested in view of the following comments.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102 and 103:

Claims 1, 3-9, 11-17, 19-30, 32-33, and 35-36 are rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Garrett of record.

Claims 2, 10, 18, 31, 34, and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Garrett.

Applicant respectfully traverses these rejections in view of the comments set forth and an Affidavit attached herewith.

Example 1 of Garrett discloses that the resole resin is prepared by reacting phenol and an aldehyde (formaldehyde) in the presence of an alkaline catalyst (sodium hydroxide) at 65°C, followed by neutralisation to a pH of about 7.0 (see column 6, lines 21-28 of Garrett). There is no disclosure or suggestion in Garrett that the reactivity of the resole resin can be altered by altering the neutralisation pH below the "about 7.0" disclosed in Garrett.

Applicant hereby submits herewith a Declaration under 37 C.F.R. § 1.132 evidencing the unexpected effect on the reactivity of neutralisation to a pH of 5.5-6.6.

In the Examiner's "Response to Arguments", the Examiner states that "[t]he applicants did not recognize the importance of the claimed pH range for the reactivity of the resins at the time the application was filed and stated in the specification that pH levels of less than 7 are acceptable for the invention. But more importantly, the presented results fail to establish the criticality of the claimed range of pH6.6 and below) [*sic*] as compared, for example with pH6.7, since the measurements of pH are done (as per statement on top of page 11 of the arguments filed on 1-20-2005) with exactitude of +/- 0.5. Thus, it is not apparent how the results obtained for pH 6.6 and 6.7 can be compared or be probative of unexpected results, when, in fact, what is reported as pH 6.6 can, in fact, be pH 7.1."

Applicant respectfully notes that in the submissions made by Applicant on January 20, 2005, in which the Applicant stated "[t]he mixture is then neutralised with *p*-toluenesulphonic acid to a desired pH (see below) (+/- 0.5)" was less than clear and, in fact, in error. This has now been corrected in the attached Declaration where the Declarant explains that this statement should have read that "the final neutralisation pH of the highly reactive phenolic resole resin should be pH 6 +/- 0.5."—in other words to a pH 5.5 to 6.5. The reference to "6" was inadvertently omitted. It appears Applicant's error may have created some confusion for which Applicant apologizes.

In light of the attached Affidavit, Applicant respectfully submits that all the claims in the present application are patentable over Garrett and that none of the cited art taken alone or together in combination discloses or suggests the presently claimed invention. Accordingly, Applicant respectfully requests allowance of all claims, namely Claims 1-37.

Should the Examiner have any questions or suggestions, he is invited to contact the undersigned at (616) 975-5506.

Respectfully submitted,

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By: Van Dyke, Gardner, Linn & Burkhart, LLP

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Date

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